## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANDRE BOYER,	: :
PENNSYLVANIA S.I.T.E.S. AGENTS, LLC,	: :
Plaintiffs,	: CIVIL ACTION
v.	: : No. 23-2885
	:
CITY OF PHILADELPHIA, et al.,	: :
Defendants.	· :
	:
AND NOW, this day of Jar Unopposed Motion for Leave to File Excess Page	nuary 2024, upon consideration of the
Office and Philadelphia District Attorney Lawrence	e S. Krasner (the "DA Defendants"), it is hereby
ORDERED that the DA Defendants' Motion is C	GRANTED. The DA Defendants' Reply Brief
submitted at ECF No. 45-1 is accepted for filing by	the Court.
	BY THE COURT:
	Hon. Jeffrey L. Schmehl

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PENNSYLVANIA S.I.T.E.S. AGENTS, LLC,

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Plaintiffs, : CIVIL ACTION

v. : No. 23-2885

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CITY OF PHILADELPHIA, et al.,

:

Defendants.

:

## DA DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE EXCESS PAGES

Defendants, the Philadelphia District Attorney's Office and Philadelphia District Attorney Lawrence S. Krasner ("DA Defendants"), files the following Motion for Leave to File Excess Pages, in support thereof averring as follows:

- 1. This action was commenced by Plaintiffs with the filing of a Complaint on July 27, 2023. (ECF No. 1).
- On October 19, 2023, Plaintiffs filed a Second Amended Complaint. (ECF No.
  18).
- 3. On November 16, 2023, the DA Defendants filed a Motion to Dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), seeking the dismissal of each count plead against them in the Second Amended Complaint. (ECF No. 21).
- 4. On December 18, 2023, Plaintiffs filed a 31-page Response in Opposition to the DA Defendants' Motion to Dismiss. (ECF 30).
  - 5. On December 27, Plaintiffs filed a Motion to Amend their Response in

Opposition. (ECF 37), and contemporaneously filed a 38-page Amended Response (ECF 36),

which the Court accepted as filed on January 3, 2024. Consequently, any reply is due on

January 10, 2024.

6. In their Amended Response, Plaintiffs assert that the DA Defendants neglected

certain claims/legal theories that Plaintiffs' raised in their Complaint. Given the length and

complexity of the arguments raised in the Amended Brief, and that Plaintiffs' substantially

exceeded the normal page allotment in their Response, the DA Defendants would respectfully

request a small number of additional pages to address Plaintiffs' expanded-upon arguments.

7. The DA Defendants note that they did not request any additional pages for their

Motion to Dismiss.

8. Accordingly, the undersigned counsel respectfully requests that the Court grant

a five-page extension of the 10-page limit, and permit a reply of up to 15 pages.

WHEREFORE, the DA Defendants respectfully ask that their motion for leave to file

excess pages be GRANTED.

Dated: January 8, 2024

Respectfully submitted,

/s/ Joshua B. Niemtzow

Joshua B. Niemtzow

**Assistant District Attorney** 

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PENNSYLVANIA S.I.T.E.S. AGENTS, LLC,

Plaintiffs,

: CIVIL ACTION

v. : No. 23-2885

CITY OF PHILADELPHIA, et al.,

Defendants.

I hereby certify that, on January 8, 2024, true and correct copies of the foregoing document were served on all parties of record via the Court's e-filing system.

**CERTIFICATE OF SERVICE** 

Respectfully submitted,

/s/ Joshua B. Niemtzow

Counsel for Defendants Philadelphia District Attorney's Office and District Attorney Lawrence S. Krasner